

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

ADVANCE COMPONENTS, INC.,

Plaintiff,

v.

**AMERICAN FIRE AND CASUALTY
COMPANY, LIBERTY MUTUAL
INSURANCE COMPANY, and
STEPHEN E. STEWART,**

Defendants.

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**CIVIL ACTION NO. 4:17-CV-00751
JUDGE MAZZANT/JUDGE JOHNSON**

ORDER OF DISMISSAL

Pending before the Court is the parties' Joint Motion to Dismiss with Prejudice (the "Motion") (Dkt. #34). The Motion represents that all matters between the parties have been resolved and seeks dismissal with prejudice of all claims that have been, or could have been, asserted in this lawsuit, with each party to bear its own costs and attorneys' fees. *See id.*

Federal Rule of Civil Procedure 41(a)(1) provides that a plaintiff may voluntarily dismiss an action without court order in one of two ways. A plaintiff may dismiss an action under Rule 41(a)(1)(A)(i) by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." FED. R. CIV. P. 41(a)(1). A plaintiff may alternatively dismiss an action under Rule 41(a)(1)(A)(ii) by filing "a stipulation of dismissal signed by all parties who have appeared." *Id.* As such, formal court action is not necessary in this case. However, the Court finds that in the interest of efficiency, justice, and maintaining the clarity of the record, an entry of an order of dismissal as requested by the parties is appropriate.

Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED** that the Joint Motion to Dismiss with Prejudice (Dkt. #34) is **GRANTED**, and this entire action, and all of the claims

asserted therein, are **DISMISSED WITH PREJUDICE**. Each party shall bear its own attorneys' fees and costs.

All relief not previously granted is hereby **DENIED**, and the Clerk is directed to **CLOSE** this civil action.

IT IS SO ORDERED.

SIGNED this 17th day of October, 2018.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE